

1A

**MINUTES FOR A REGULAR MEETING OF THE CIVIL SERVICE COMMISSION  
HELD AT 6:00 P.M., THURSDAY EVENING, MAY 12, 2005  
CITY COUNCIL CHAMBERS, #2 CIVIC CENTER PLAZA – 2ND FLOOR**

**MEMBERS PRESENT:** Boureslan, Ali  
Ellis, William - Chair  
Graham, Elijah  
Martinez, Ramy (arrived before voting on Item 13)  
Peña, Andrew  
Ruck, Lance  
Scott, Valerie

**MEMBERS ABSENT:** Gezelius, Ken  
Schwartz, Elma

**ALSO PRESENT:**

Archer, Glenn	Lombraña, Monica – Airport
Austin, Mark	Loweree, Fred - El Paso Water Utilities
Bond, Terry – CSC Secretary/HR Director	Maloney, Patrick
Borunda, Chris	Martinez, Donna
Brockhoff, Jeff – Police Dept.	Medina, Adrian
Buenning, Rosy – CSC Recorder	Momsen, Richarda – Municipal Clerk
Castillo, Norma	Puga, Monica - Human Resources
Cuellar, Lupe – Assistant City Attorney	Reed, Amy – Museum of Art
Eyberg, Ellen – Library	Schafer, Cam
Fargo, Peter - Human Resources	Surface, Steve – Fire Dept.
Gonzalez, David – Atty. At Law	Teran, Steve
Guzman, Louie Jr.	Valencia, Eddie
Hernandez, Irene – OMB	Worrell, Lilia – Municipal Court
Holguin, Minnie - Human Resources	Zamora, Miguel
Leyva, Diana	Zurur, Victor

The meeting convened at 6:04 p.m. with a quorum of 6 Commissioners present and Chair Ruck presiding.

1. Election of Officers.

MOTION TO ELECT WILLIAM ELLIS AS CHAIR MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

MOTION TO ELECT ANDREW PEÑA AS VICE CHAIR MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER ELLIS AND UNANIMOUSLY PASSED.

Newly elected Chair Ellis presided over the meeting at this point.

**CONSENT AGENDA**

Ms. Bond advised of a correction to Item 2A, the April 14, 2005 CSC Minutes, on Page 8, the last item and its votes should read as follows: Ayes: Commissioners Berube, Boureslan, Harris, Peña, Graham, Martinez, Schwartz. Item 3B, on the contract Page 2 the words “up to” needed to be added before the words “forty hours.” Item 17 should be deleted at the appellant’s request. Ms. Bond told the Commission that reference Item 6D, the Department Head was going to be arriving late and requested the item be tabled until he arrived.

Chair Ellis also requested that the audio of the April 28<sup>th</sup> meeting be reviewed reference last paragraph on Page 3, he believed the words “the Hearing Officers and” should be stricken from the minutes, he didn’t believe he said those words. He also requested Item 6D be moved to the Regular Agenda.

MOTION TO APPROVE THE CONSENT AGENDA WITH THE MODIFICATIONS MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

## 2. Discussion and Action on Approval of Minutes:

- A. April 14, 2005 (Tabled 04/28/05)
- B. April 28, 2005

## 3. Discussion and Action on Approval of Contracts:

- A. Cooperative Education Contract with Alfredo Chavira from May 19, 2005 through May 18, 2006, for the El Paso Public Library.
- B. Personal Services Contract with Margaret K. Schroeder to perform the duties of Transportation Planner I from May 16, 2005 through May 15, 2006, for the Metropolitan Planning Organization.

Eighteen (18) Independent Services Contracts to perform the duties of Summer 2005 Museum School Instructors from June 1, 2005 through September 30, 2005, for the El Paso Museum of Art:

- |                                 |                         |
|---------------------------------|-------------------------|
| C. Burtz, Wendy                 | L. Light, Susan R.      |
| D. Castañeda-Erickson, Virginia | M. Murphy, Michelle A.  |
| E. Chavez, Viola                | N. Najera-Macias, Norma |
| F. Fritsch, Ronald P.           | O. Ontiveros, Sarah     |
| G. Del Genio, Laurie            | P. Parra, Erik R.       |
| H. Garcia, Martha A.            | Q. Peppas, Dawn         |
| I. Jensen, Coral                | R. Rudnick, Janine      |
| J. Jones, Rosie Chavarria       | S. Slater, Gail         |
| K. Keyser, Jennifer             | T. Wilson, Gloria A.    |

Ten (10) Independent Services Contracts to perform the duties of Teacher Workshop Facilitators from July 5, 2005 through July 8, 2005, for the El Paso Museum of Art:

- |                           |                        |
|---------------------------|------------------------|
| U. Barton, Elisa          | Z. Light, Susan        |
| V. Burtz, Wendy           | AA. Long, Mary O'Brian |
| W. Clouser, Dorian        | BB. Parra, Alice       |
| X. Garcia, Martha A.      | CC. Wilson, Gloria A.  |
| Y. Jones, Rosie Chavarria | DD. Arriola, Samantha  |

Two (2) Independent Services Contracts to perform the duties of Neighborhood Kids Program Facilitators from June 6, 2005 through July 29, 2005, for the El Paso Museum of Art:

- EE. Najera-Macias, Norma
- FF. Herrera, David
- GG. Graduate Intern Contract with Phillip M. Boyd from May 13, 2005 through May 12, 2006, for the Office of Management and Budget.

## 4. Discussion and Action on Approval of Applications for Outside Employment:

- A. Alvarez-Armando-Police
- B. Chavira-Manuel-Fire
- C. Cubillos-Rosalie-Police
- D. Davila-Enrique-Police
- E. Fuentes-Martha-Police
- F. Lopez-Steven-Police
- G. Martin-Ruben-Police
- H. Montes-Jose-Police
- I. Olague-Rudy-Police
- J. Portillo-Paul-Police
- K. Rios-Abraham-Solid Waste Management
- L. Ruiz-Jose-Police
- M. Saenz-Jose-Library

N. Vaquera-Ernesto-Police

5. Notice of Promulgation of Eligible Lists:

- A. Civil Engineer III (P-2)(O-1)
- B. Deputy Court Clerk I (P-1)(CR-1)(O-23)
- C. Plumber (O-6)

6. Discussion and Action on request to have named placed on Transfer List:

- A. Guevara, Lilia R. – Cashier II – Municipal Court
- B. Lopez, Alfred – Traffic Sign & Markings Worker I – Mass Transit
- C. Quijano, Ana – Secretary III – Arts & Culture
- D. Schafer, Cam – Secretary III – Airport

*This item was discussed during the Regular Agenda after Item 15.*

Chair Ellis stated that he moved this item to the Regular Agenda because there have been a few instances when an employee is requesting transfer when there are deficiencies in that employee's performance. In the past there have been occasions when the Commission has denied these requests and he wanted discussion on the matter before the Commission ruled on it.

Mr. Abeln, Airport Director, recommended approval of Ms. Schafer's request. He stated that he looks at an employee's performance as an arrow, it is going up or down or is it level. He believed that Ms. Schafer's performance was going up but she believed she was going through a very difficult transition. As a result of layoffs Ms. Schafer was placed in this position which she probably wouldn't have selected since she considers herself a Human Relations-type employee since this is the type of work she has done most of her years with the City. Mr. Abeln believed that Ms. Schafer's performance these past few months are reflective of this very difficult adjustment but believed that she was moving in the right direction in terms of attitude and job performance. He again recommended her placement on the transfer list where it might be possible for her to find a better niche and better use of her skills.

MOTION TO APPROVE ITEM 6D MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

E. Teran, Steve – Environmental Engineering Technician I – Engineering

7. Discussion and Action on request to have name placed on Reinstatement List:

Piña, Marco – Firefighter – Fire Dept.

8. Discussion and Action on Approval of Merit Increases in accordance with C.S.C. Guidelines:

- A. Police Dept. - Ramirez, Gabriela – Clerk Typist III
- B. Police Dept. – Williamson, Alicia – Accountant I
- C. Quality of Life Services – Tovar, Denise – Secretary III

9. Discussion and Action on Request for Temporary Promotion:

Sanchez, Margarita – Municipal Court  
From: Clerk Typist II  
To: Clerk Typist III

10. Discussion and Action on Approval of Hearing Officer's Invoice:

- A. Cross, Roberta – Dated 05/05/05 – March 2005
- B. Cross, Roberta – Dated 05/05/05 – April 2005
- C. Palafox, Patricia – Dated 05/05/05 – March 2005
- D. Palafox, Patricia – Dated 05/05/05 – April 2005

11. Discussion and Action on Request for Approval of Police Trainee, Certified Police Trainee and Police Officer Eligible Lists prior to appeals being heard and decided by Civil Service Commission.

#### REGULAR AGENDA

12. Discussion and Action on Rule 13, Leave of Absence, Resignation, Sick Leave and Vacations and associated changes to Ordinance 8064, regarding approval of and length of leaves of absence, FMLA, benefits during leave, working hours and other benefits (Tabled 01/27/05; 02/24/05; 03/10/05)

Chair Ellis told the Commission that a committee had been empanelled and that they have a meeting posted for next Wednesday. In connection with that matter, some of the amendments that are being proposed are going to be affecting Ordinance 8064 so he has requested that the agenda be posted in a manner that will allow them to discuss potential amendments to Ordinance 8064.

MOTION TO TABLE ITEM 12 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

13. Discussion and Action regarding promulgation and adoption of an amendment to Rule 16 providing for the expeditious hearing of certain disciplinary appeals.

Chair Ellis said he had placed this item on the agenda along with the backup provided. He stated that basically they had reordered the sections and renumbered them accordingly. He said that the need for the amendment was to provide in Section 2, "Hearings of appeals from termination, reduction or suspensions in excess of 15 days shall be convened with 45 days of the date the case is referred to a hearing officer unless the hearing is continued upon the request of either party as hereinafter provided." He said that the substance of that rule simply says that both sides in a disciplinary appeal retain the same rights to move for a continuance.

Lisa Elizondo, City Attorney, told the Commission she had some proposed language for the rule to replace Section 2 of the proposal and displayed it for the Commission. She read her proposal as follows and showed it to the Commission on their screens, "Hearings of appeals from terminations (or suspensions of more than 15 days) shall be set for preliminary hearing no later than 45 days from the date the case is referred to a hearing officer. The final hearing on such matters shall be scheduled no later than 90 days from the date the case is referred to a hearing officer, except with leave of the Commission." She said that part of the problems with the disciplinary cases was that all the disciplinary cases were being referred to her office unnecessarily. They have reviewed the entire list of disciplinary matters that they have pending and decided to only retain the ones that needed the City Attorney's office involved, the others will be handled at the department level. She showed the Commission the pending matters and believed they were all set for hearing by June.

Discussion.

MOTION TO APPROVE ITEM 13 WITH THE MODIFICATIONS MADE BY MS. ELIZONDO (TO REPLACE SECTION 2, RULE 16 WITH THE INFORMATION THAT THE CITY ATTORNEY PROVIDED ON THE SCREEN) MADE BY COMMISSIONER PEÑA (NO SECOND)

Commissioner Ruck said he needed clarification on the language to include "demotion or reduction" and also whether the language would say "except with leave of the Commission" or "except with leave of the Hearing Officer." He also stated that there was a big difference in the language about the 90 days.

Terry Bond, CSC Secretary/HR Director, stated that the language in the Charter is "reduce in rank."

Assistant City Attorney Lupe Cuellar said she believed the word "demotion" was used in Ordinance 8064 where it says a person will be "demoted" for cause or not for cause.

Daniel Gonzalez, Attorney at Law, stated that he has handled some cases in front of the Commission and represents some employees. His concern as a private attorney was that usually at the pre-trial is when they determine when the final hearing will take place. He has never had any problem with the City

Attorney's office and stated it didn't make sense to him to have another meeting besides the pretrial to determine the final hearing date. He said he would abide by the approved deadline.

MOTION TO APPROVE ITEM 13 AS PRESENTED IN THE ORIGINAL BACKUP TO THIS ITEM MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 5 TO 1.

Ayes: Commissioners Graham, Martinez, Boureslan, Scott, Ruck

Nays: Commissioner Peña

14. Discussion and Action on the promulgation of a rule regulating working employees Out-of-Classification (Tabled 01/27/05; 02/24/05; 03/10/05; 04/14/05; 04/28/05).

Chair Ellis summarized the meetings that the subcommittee had and stated they had developed the rule that is before the Commission for approval tonight.

Elaine Hengen, Assistant City Attorney, thanked the subcommittee for meeting with their office and for working with them to resolve differences to the satisfaction of both parties. She said that one of the things that was imposed upon the subcommittee was the City's new outlook on how they do business and the City Manager's viewpoint and her desires to increase governmental efficiencies and operations. One proposal with that in mind was that these requests not go to the Commission for approval. One reason for this was the elimination of paperwork which would go along with the desire of the City Manager to increase government efficiency by reducing paperwork to only that which is necessary and to not overburden this Commission with paperwork. Secondly was developmental assignment, which is when the employee would concur and sign off on working the assignment for developmental purposes and it would not need to come before the Commission. This vote was not unanimous, 2 votes were for it to come to the Commission and 1 vote was not.

Chair Ellis asked the Commission to refer to Section 2, the only thing that was required in the wording for developmental assignment is that, "in cases arising out of developmental assignments, only the duration of the length of the assignment need be set forth together with evidence of the employee's consent." Also the employee may not be given more than one developmental assignment in the same position.

MOTION TO APPROVE ITEM 14 AS PRESENTED BY THE COMMITTEE MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER RUCK AND PASSED UNANIMOUSLY.

15. Discussion and Action on Hearing Officer's Report and Recommendation:

Chavira, Hernando – Termination – Building Permits & Inspections (04-BP-16BY) (Tabled 04/28/05).

Lupe Martinez, Assistant City Attorney, said that on behalf of the City they wanted to discuss some issues that arose after receiving Commissioner Ellis' memorandum dated May 9, 2005. She told the Commission that they had the duty to be fair and impartial in reviewing Hearing Officer recommendations. They felt that Comm. Ellis' memorandum constituted a position statement from him and that it was in violation of Rule 21 and possibly in violation of the Open Meetings Act. She asked that Commissioner Ellis recuse himself and ultimately in the voting on this item also.

Commissioner Ellis asked Assistant City Attorney Lupe Martinez if her contention was that his memorandum was a violation of Rule 21, the Ex Parte Rule? He asked if she was alleging that the memorandum constituted a violation of the Open Meetings Act and in what way.

Ms. Martinez said yes to his question on the Ex Parte rule and that it could potentially constitute a violation of the Open Meetings Act. She said there was an Attorney General opinion 95-055 which dealt with telephone conversations from one member to others that states "We cannot conclude that the act does not apply to a quorum of a governmental body during a time when a single member of the body addressing the others, whether deliberations have taken place depends upon all the relevant facts and circumstances and it is a question for the trier of fact to determine that."

Assistant City Attorney Lupe Cuellar asked if the telephone conversation she was referring to was between one member of the board and other members of the board at the same time?

Elaine Hengen, Assistant City Attorney, said that in this particular scenario in this case was a city council member who would proceed to telephone individually each of the remaining members of the council and express their views and/or concerns about public business during that particular conversation. The Attorney General could not conclude whether it would be a violation of the Open Meetings Act. She said their concern was because of the provisions in the Charter relating to the Commission being fair and impartial and to Ex Parte Communications.

Chair Ellis asked Ms. Hengen if she was familiar with the workings of appellate courts like the Court of Appeals, the Supreme Court of Texas, etc, and the practices of those courts of circulating memos between one another concerning cases that are before them before the matter is actually taken for oral argument. Ms. Hengen said she was.

MOTION TO ADJOURN TO EXECUTIVE SESSION MADE BY COMMISSIONER BOURESLAN, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

---

The Commission retired into Executive Session at 6:50 p.m. for the purpose of receiving legal advice from the Commission council reference the matter before them on Item 15, and reconvened for Open Session at 7:11 p.m.

---

MOTION TO ADJOURN EXECUTIVE SESSION AND RETURN TO REGULAR SESSION MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

Chair Ellis said that after discussion with the Commission council he announced that he was declining to recuse himself from this matter. He asked if there was a motion that the Chair be recused and there was not. He said that pursuant to the authority granted under Rule 1 he was going to allow each side a period of five minutes to make their preliminary statements. After that there would be a time for questions from the Commission.

Assistant City Attorney Lupe Martinez requested that the Commission approve the Hearing Officer's recommendation which was to uphold Mr. Chavira's termination. The City opposes the portion of the Hearing Officer's recommendation which is recommending Mr. Chavira be allowed to apply for any City job and that there is no misconduct.

Alan Shubert stated that Mr. Chavira was terminated for not meeting the conditions of his employment, namely to be licensed by the board within 1 year of employment. Licensing requirements are clearly stated in the rules and enforcement falls on the individual. Mr. Shubert gave a brief summary of Mr. Chavira's termination. He asked the Commission to uphold Mr. Chavira's termination.

Commissioner Ruck asked if the City violated the state law by allowing Mr. Chavira to perform inspections.

Mr. Shubert said yes. He explained that in order for an employee to be allowed to take the exam for this license he has to have experience with a municipality for six months, which means the employee has to work in the department for 6 months before being eligible to even test for the license. He said their rationale was that they hired a master plumber and master plumber tests are generally considered to be more difficult than inspector's tests. He said it was the wrong thing to do.

Commissioner Ruck asked who besides Mr. Chavira was held accountable for the City allowing inspections without the proper certification.

Mr. Shubert said that the board fined Joe Gallardo who was Mr. Chavira's supervisor and Mr. Chavira.

Commissioner Ruck asked if it was correct that the City paid Mr. Gallardo's fine but Mr. Chavira had to pay his own fine?

Mr. Shubert said yes, that was his understanding.

Assistant City Attorney Lupe Martinez said the City paid an administrative fee.

Commissioner Peña asked if it was the standard practice to terminate employees who don't obtain their license within the required time.

Mr. Shubert said yes.

Commissioner Boureslan asked if Mr. Chavira was allowed to accompany another licensed inspector and perform inspections?

Mr. Shubert said yes, this is one way to obtain the training.

Discussion.

Chair Ellis asked if Mr. Chavira was prohibited from taking the test by the state board from August 2002 through April 2003, and if he was prohibited from taking the test on the date he was terminated.

Mr. Shubert said yes, by the State not by the City.

Attorney for appellant, Daniel Gonzalez, showed the Commission a timeline of Mr. Chavira's employment prior to his termination. He said that he tried to get the plumbing board to allow Mr. Chavira to take the test but he was not allowed. Mr. Gonzalez said that basically his client was a whistleblower because he turned the first 1300 illegal inspections over to the State plumbing board. He should have had the protection of a whistleblower but he was still terminated. Mr. Gonzalez stated that his client applied for the examination in October 2002 but was still not allowed to take it pending the hearing with the City. Mr. Chavira was cleared to take the examination in April 2003, after his termination. This was only after the City entered into an agreement with the State plumbing board, which they could have done before Mr. Chavira was terminated but didn't. Mr. Gonzalez summarized the events for the Commission.

Discussion.

Commissioner Ruck felt that the City exhibited extreme negligence and incompetence from the Department and the legal people in allowing this to happen. The circumstances were that the State would not allow Mr. Chavira to get the license he needed because of the City's violations, then they tried to persuade him to accept a demotion and that he wouldn't appeal or file a lawsuit. Commissioner Ruck felt this was outright intimidation, almost coercion and he could not support that. He said that the City has not learned yet how to hold a supervisor responsible, he said those people always walk and he was tired of it.

Commissioner Martinez agreed with Commissioner Ruck's comments.

Commissioner Peña said he agreed with both Commissioners but went back to the basic question, was the City accountable or was the employee accountable? He said he concurred with Ms. Martinez' observations in that it was Mr. Chavira's responsibility to have his license regardless of what blame the City had.

Chair Ellis said he could not agree with an employee who has a year to take a test is charged with being able to foresee all the events that are going to intervene, nor could he agree that when he was prevented in one way or another from taking this test, which he was convinced was for about 11 out of the 12 month period, that he can be faulted for not rushing out and taking the test immediately. He did want to associate himself with the comments of Commissioners Ruck and Martinez and reurge the communications which he made to the Commission in his memorandum regarding all the various matters that were set forth.

**MOTION TO APPROVE HEARING OFFICER YETTER'S RECOMMENDATION MADE BY COMMISSIONER PEÑA, SECONDED BY COMMISSIONER BOURESAN BUT FAILED BY A VOTE OF 2 TO 4.**

Ayes: Commissioners Peña, Boureslan

Nays: Commissioner Graham, Martinez, Scott, Ruck

MOTION TO MODIFY ITEM V. ON PAGES 16 AND 17 OF HEARING OFFICER YETTER'S RECOMMENDATION AS FOLLOWS: DELETE PARAGRAPHS ONE, TWO AND THREE, KEEP PARAGRAPH FOUR WHICH BEGINS WITH "I RECOMMEND THAT EL PASO CIVIL SERVICE COMMISSION TAKE THE FOLLOWING ACTIONS," DELETE SECTIONS 1, 2 AND 3 OF PARAGRAPH FOUR AND REPLACE THEM WITH SECTION 1 TO READ "SUSTAIN THE APPEAL OF HERNANDO CHAVIRA.", MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND PASSED BY A VOTE OF 4 TO 2.

Chair Ellis construed the motion to be that the appeal of Mr. Chavira be upheld and that he be reinstated, he asked Commissioner Ruck if that was correct.

Ayes: Commissioners Graham, Martinez, Scott, Ruck

Nays: Commissioner Peña, Boureslan

Commissioner Ruck said that was correct.

*The Commission recessed from 8:15 to 8:29 p.m.*

16. Discussion and Action on Miscellaneous Appeals filed by:

A. Hardy, Denis – Library Information Specialist I – Late Application

Items 16A and 16 B were considered simultaneously.

Mr. Hardy was present and explained that he was unaware of the examination date.

Jim Przepasniak from the Main Library stated that the process of notification for the examinations changed from paper copy to an on-line system and some of the staff were not aware of the exam coming up and therefore filed a late examination. He asked the Commission to please consider these two appellants' appeals since they were not aware of the examination. He said that there is also a shortage of computers in the branches which is another reason why the staff was late in getting the deadline for the exam. He explained that subsequent to this incident they have made accommodations for getting those notices out.

Commissioner Ruck asked if there was a supervisor who could confirm this?

Ellen Eyberg, Branch Manager at the Lower Valley Branch, stated that Ms. Leyva worked for her and they were caught up in the communication problem. She stated that Ms. Leyva was a very hard-working employee who had been working for the library system for five years. She said they did not get a paper copy of the examination deadline to post.

Commissioner Ruck asked what action had been taken that superceded the December 15, 1992 memorandum from Pat Diamanti to all department heads that says the CSC approved a policy concerning examination notifications which says that the department procedure for posting exam announcements is to post them on the bulletin boards or other area in the department which is accessible to all employees and if the department has field offices all field offices must be sent these exam notices from Personnel, etc. He asked what action of the Commission superceded this.

Peter Fargo, Employment Services Manager, stated that Human Resources has not sent paper copies of the examination notices for years, instead an email with the attachments are sent. He said that at the beginning of this year Human Resources sent out an email to all the department representatives who are supposed to print and distribute the documents.

Terry Bond, CSC Secretary/Human Resources Director, said she didn't believe they had varied from the policy. Human Resources was just using the new technology to enforce the policy by emailing the exam announcements instead of printing them and sending them via inter-office mail. The departments are instructed to print them and make them available to all employees.

Commissioners Ruck and Ellis suggested updating that Commission policy.



MOTION TO APPROVE ITEMS 16A AND 16B MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

B. Leyva, Diana – Library Information Specialist I – Late Application

*See discussion in 16A.*

C. Archer, Glenn – Police Lieutenant – Questioning Minimum Standards

Chair Ellis stated that they already had the first two pages of the backup being presented, page 3 was new, he also asked the Commission to refer to Ordinance 8064, Section 2.2D as it might be relevant in this item.

Mr. Archer passed out some documents to the Commission and said he wanted to explain what the substance of his appeal was. He believed there were errors made in acceptance of the potential candidates for eligibility under the minimum requirements for the test. He asked the Commission to look at Item 1 at the minimum requirements. He also referred to Rule 12, Section 4.

Chair Ellis asked Mr. Archer why he believed the standards were inappropriate.

Mr. Archer stated that the minimum requirements ask for 74 undergraduate college hours. He explained that basically there were three camps, the ones that met the requirements under the specs, the conditional ones and then the ones that came in at the last minute where they reduced the hours to 37.5 plus equivalent experience as a sergeant, this was through a memorandum that came out of the Chief's office. He said those qualifications were nowhere on the job specification and that is the basis of his appeal. He said he wasn't opposing any camp, he was requesting a retest.

Discussion.

Commissioner Ruck asked reference the Professional/Managerial Guidelines and the issue of substituting education for experience and vice-versa.

Ms. Bond showed the Commissioner Section B of the Professional/Managerial Guidelines where "18 months of experience for each year of education or 30 semester hours will be accepted." Ms. Bond explained that these guidelines were Executive and Professional/Managerial Guidelines and stated that they obviously didn't fit neatly into the Police Department because the police uniformed employees were not in the Executive or Professional/Managerial list of jobs. She stated that in consultation with the Police Chief they adapted the guidelines to this situation and it was provided to the individuals who were interested in applying for this position several months ago.

Mr. Archer asked the Commission to please consider a retest due to the circumstances.

Police Chief Richard Wiles stated that originally he had recommended that the educational standards for lieutenant, commander, deputy chief and assistant chief be set higher. The police association protested that and met with the Mayor who in turn called Chief Wiles and asked him to reconsider. Working with Human Resources and the Police Association they came up with the 75-hour requirement with the understanding that the officers who didn't have the 75 hours would get credit for their experience. He said this was the first exam under the new job specs and stated his intention was to come before the Commission in the near future and request that these specifications require a Bachelor's degree.

Commissioner Martinez stated that he works at El Paso Community College and advised that only some of the courses were transferable to UTEP from other colleges. He said that the costs for the officers to go to college whether it be EPCC, University of Phoenix, Park, etc. is a large cost that some officers cannot afford and suggested that the City work with these officers toward tuition reimbursement.

Ms. Bond commented that over 60% of the employees who currently participate in the tuition reimbursement program are police officers.

Discussion.

MOTION TO DENY ITEM 16C MADE BY COMMISSIONER BOURESAN, SECONDED BY COMMISSIONER RUCK AND UNANIMOUSLY PASSED.

D. Armitage, Darwin – Police Lieutenant – Questioning Minimum Standards

*See discussion in Item 16C.*

Mr. Archer stated that he never received notification for this meeting. He also said that Mr. Armitage was out of town and was requesting that the item be postponed.

Ms. Bond advised that notification was mailed out last Friday.

MOTION TO TABLE ITEM 16D MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

Minnie Holguin, Human Resources Analyst, asked the Commission to please reconsider their action because they have an assessment center scheduled for June 14-17, assessors have been located, tickets have been purchased, and the applicants need to know whether to prepare for this assessment center which is a 4-day testing process.

MOTION TO RECONSIDER ITEM 16D MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER GRAHAM AND UNANIMOUSLY PASSED.

Chair Ellis said reference a comment on Mr. Armitage's documents which said "there was no notice posted of the minimum requirements as prescribed in the job specification and the agreement with regard to acceptance of experience in lieu of education," the notice was posted and wanted the record to reflect it.

MOTION TO DENY ITEM 16D MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER PEÑA AND UNANIMOUSLY PASSED.

17. Discussion and Action on Appeal of Disqualification to take Examination and/or Removal of Name from Eligible List in accordance with C.S.C. Rule 8.1.d.1.:

Powell, Paula – Regional Recreation Superintendent

*This item was deleted concurrent with the approval of the Consent Agenda.*

18. Discussion and Action on Request for Extension of Eligible List for an additional six months:

Clerical Assistant (previously Clerk Typist I) – Extended through 11/20/05

MOTION TO APPROVE ITEM 18 MADE BY COMMISSIONER RUCK, SECONDED BY COMMISSIONER MARTINEZ AND UNANIMOUSLY PASSED.

19. Discussion and Action on Request to Work Employee Out of Classification:

Rivera, Victor – Fleet Services (Extension)  
From: Building Maintenance Worker II  
To: Building Maintenance Supervisor

Chair Ellis said it seemed to him that this was a matter more appropriately covered by Rule 11, Section 10, Temporary Promotions, and asked if this was an appropriate request as a Working Out of Class request since it entailed supervision.

Ms. Bond stated that there was no position to temporarily promote to as these positions didn't exist in the Fleet Services Department's staffing table. She said that the department did have Building Maintenance Worker II's and their jobs did entail supervision.

Assistant City Attorney Lupe Cuellar said she needed to look into this matter further and requested the item be tabled.

MOTION TO TABLE ITEM 19 MADE BY COMMISSIONER MARTINEZ, SECONDED BY COMMISSIONER BOURES LAND AND UNANIMOUSLY PASSED.

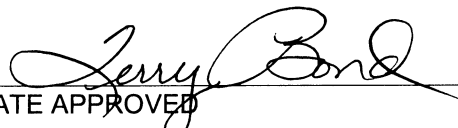
THERE BEING NO FURTHER BUSINESS BEFORE THE COMMISSION, A MOTION TO ADJOURN WAS MADE BY COMMISSIONER GRAHAM, SECONDED BY COMMISSIONER BOURES LAN AND UNANIMOUSLY PASSED.

THE MEETING ADJOURNED AT 9:28 P.M.

  
\_\_\_\_\_  
WILLIAM ELLIS, C.S.C. CHAIRMAN

JUN 23 2005

\_\_\_\_\_  
TERRY BOND, C.S.C. SECRETARY

  
\_\_\_\_\_  
DATE APPROVED